

REMARKS/ARGUMENTS

This paper is submitted in response to the Office Action mailed July 25, 2005. In the Office Action, claims 16-18 and 20-21 were rejected under 35 U.S.C. §103(a) as being obvious over United States Patent No. 5,749,278 to Lee et al. (hereinafter "Lee") in view of GB209,002 to Shannon (hereinafter "Shannon"). In view of the following remarks, Applicant respectfully requests allowance of claims 16-18 and 20-21.

Rejection of Claims 16-18 and 20-21 under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claims 16-18 and 20-21 under 35 U.S.C. §103(a) as being unpatentable over Lee in view of Shannon. This rejection is respectfully traversed. Specifically, MPEP §2143 provides that a *prima facie* case of obviousness is established only if the Examiner shows that (1) there is some teaching, suggestion, or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference; (2) there is a reasonable expectation of success; and (3) the prior art teaches or suggests all of the claim elements. Applicants respectfully assert that Lee in view of Shannon fails to teach each and every element of claims 16-18 and 20-21.

For example, independent claim 16 recites "a depressing-force exerting portion disposed between said pivot portion and said bent portion and coupled to said roller bearing for transmitting said roller bearing to move." Claims 17-18 and 20-21 depend from claim 16, so also include this claim language. Furthermore, in the Office Action, the Examiner did not assert that Lee or Shannon discloses, teaches, or suggests this claim language. Instead, the Examiner asserted only that the "bent portion [is] adjacent element 33."

More importantly, Lee in view of Shannon does not teach or suggest a depressing-force exerting portion disposed between the pivot portion and the bent portion and coupled to the roller bearing for transmitting the roller bearing to move. Instead, Lee discloses that the protuberance 33 (depressing-force exerting portion) is disposed between the bent portion and the force receiving portion. For clarification of the disclosure of Lee, Applicants have attached marked up Sheets 1-3 of Lee as Exhibit A. As shown most clearly in Figure 1, the levering rod 30 includes a pivot portion disposed near a bent portion. A depressing-force exerting portion (protuberance

33) is disposed more remotely than the bent portion from the pivot portion. Finally, the force-receiving portion is disposed the furthest from the pivot.

The levering rod 30, as shown in Figures 1, 4, and 5 of Lee, also includes a trench, clearly shown in Figures 1 and 3, that extends down its middle. Though not discussed in the specification of Lee, the trench may be used to reduce the material and weight of the levering arm while retaining its stiffness. The profile of the trench is shown in Figures 4 and 5 and should not be confused with the overall linear profile of the levering rod 30 as shown in Fig. 1. As plainly shown in Figs. 1, 4, and 5, Lee's protuberance 33 (depressing-force exerting portion) is not disposed between the pivot portion and the bent portion as recited in claims 16-18 and 20-21, but instead is disposed between the bent portion and the force-receiving portion.

Additionally, Shannon discloses that "In practice it is found that the hand lever frequently breaks at the cranked or V shaped parts ... [therefore] the invention [of Shannon] dispenses with the cranked or V shaped parts." Shannon, page 1, lines 36-42. Consequently, Neither Lee nor Shannon, singly or in combination teach or suggest "a depressing-force exerting portion disposed between said pivot portion and said bent portion and coupled to said roller bearing for transmitting said roller bearing to move" as recited in claims 16-18 and 20-21. Consequently, the Examiner has not established the *prima facie* obviousness of claims 16-18 and 20-21. Accordingly, withdrawal of this rejection is respectfully requested.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,



Evan R. Witt
Reg. No. 32,512
Attorney for Applicants

Date: October 11, 2005
MADSON & METCALF
Gateway Tower West
15 West South Temple, Suite 900
Salt Lake City, Utah 84101
Telephone: 801/537-1700

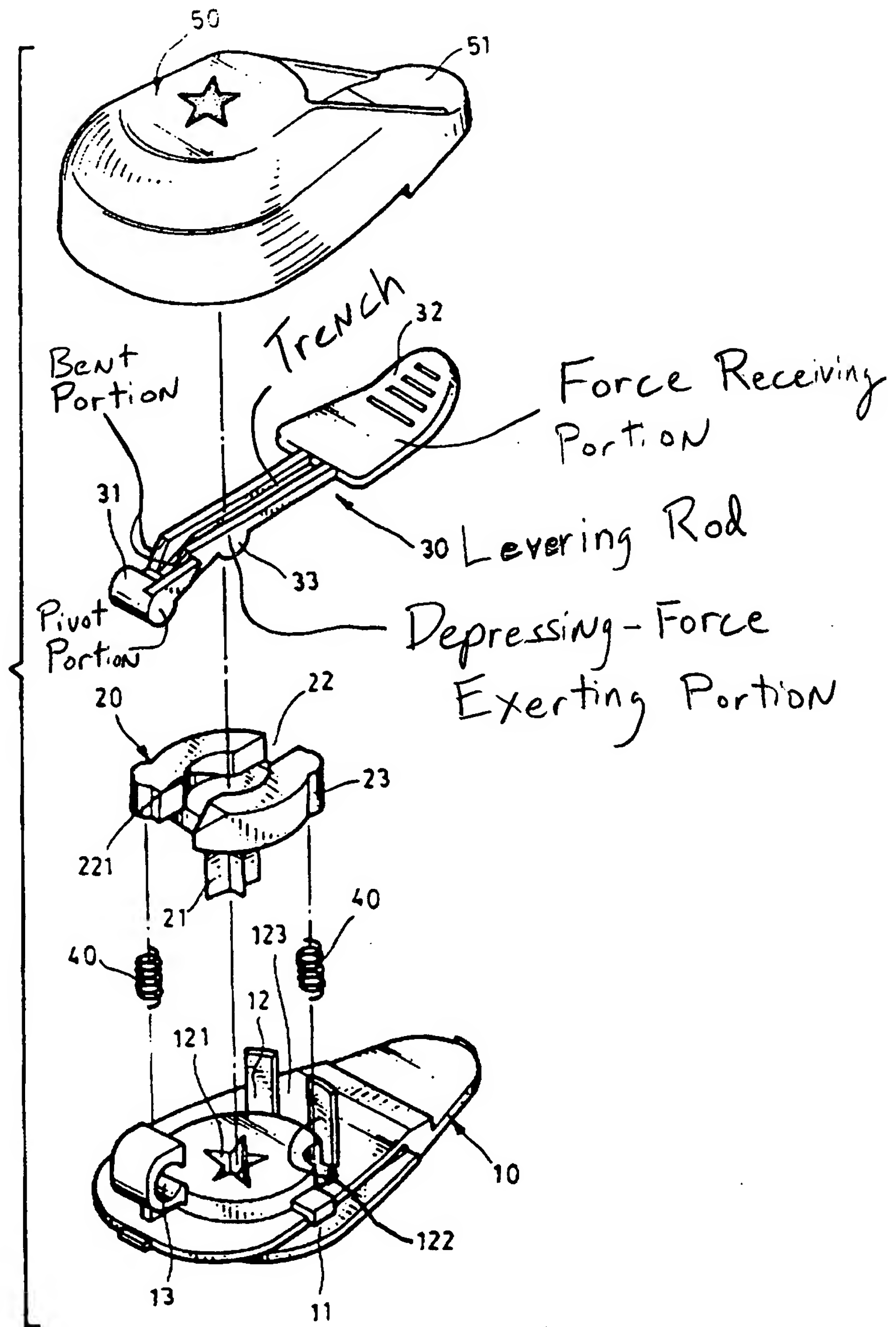


FIG. 1

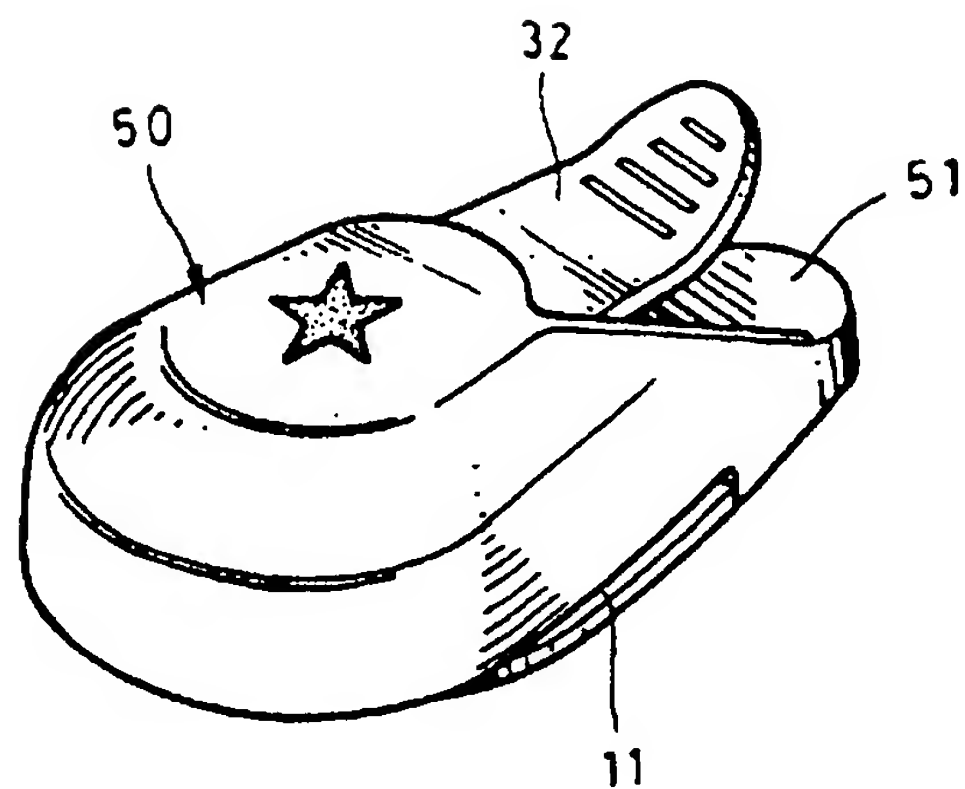


FIG. 2

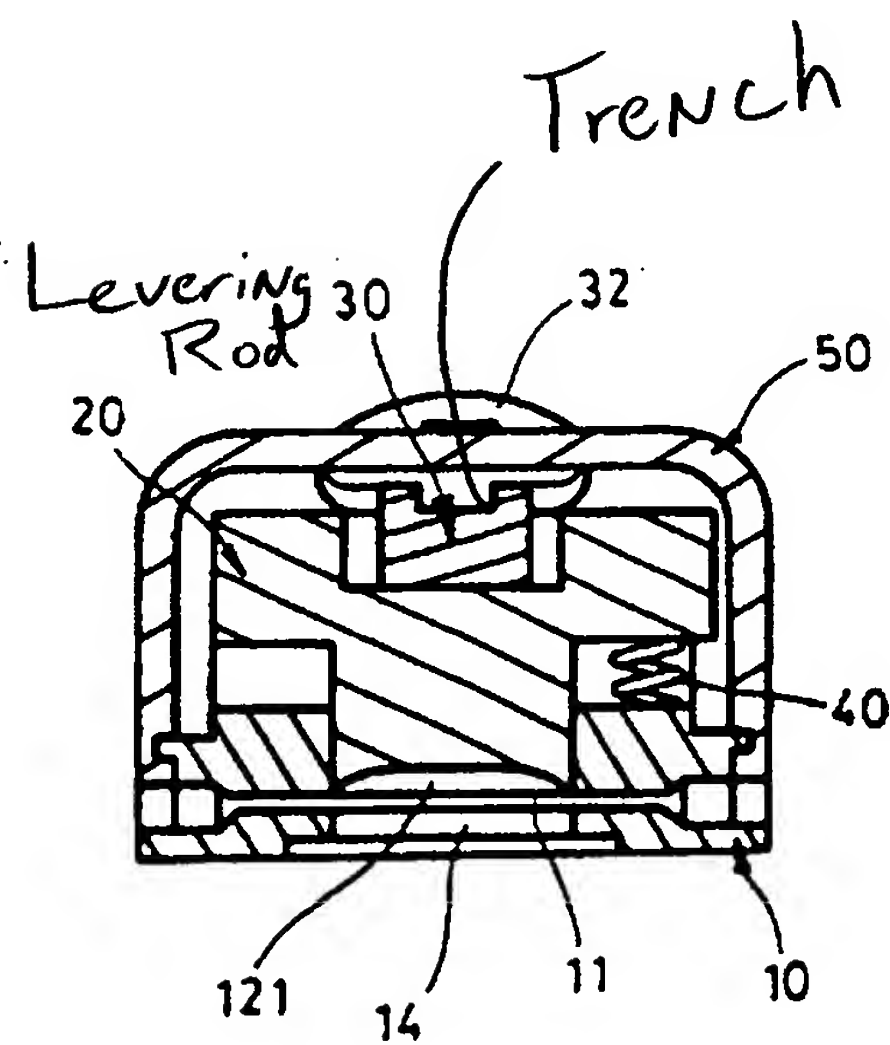


FIG. 3

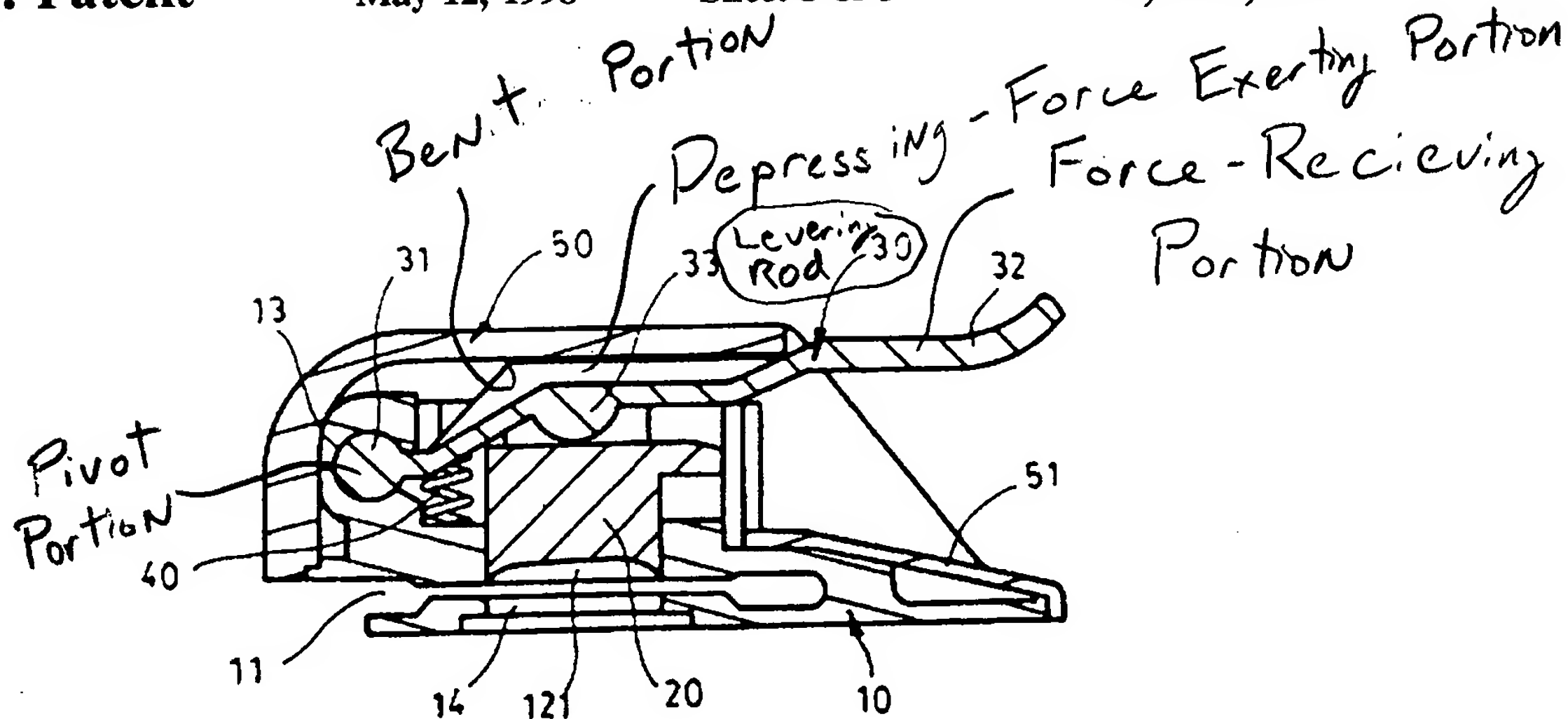


FIG. 4

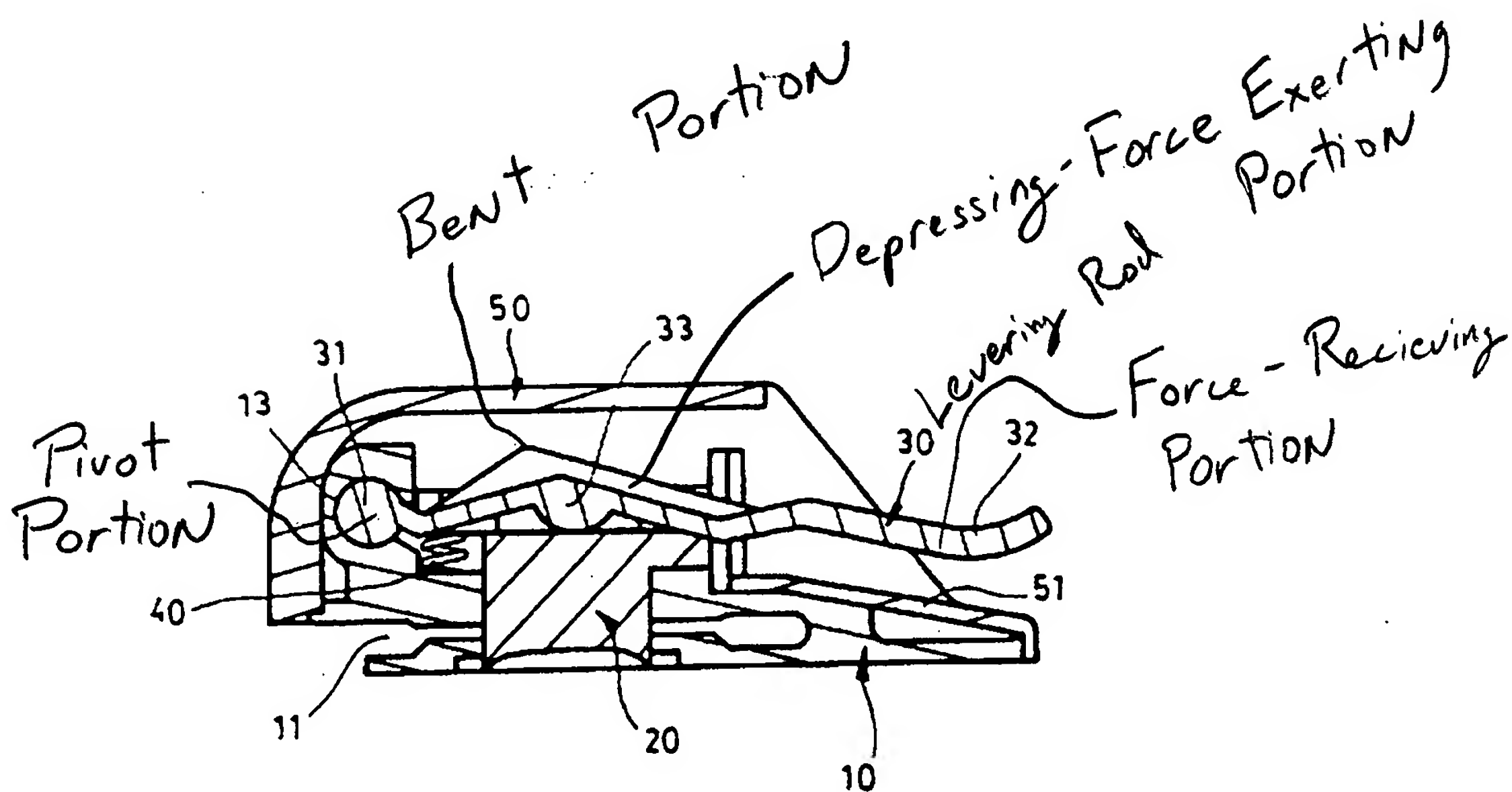


FIG. 5